

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CR-16-68-M
)	
FRANCISCO NUNEZ-TORRES,)	
)	
Defendant.)	

ORDER

Before the Court is defendant Francisco Nunez-Torres's Motion to Suppress Pole Camera, filed August 22, 2016. On January 4, 2017, the government filed its response.

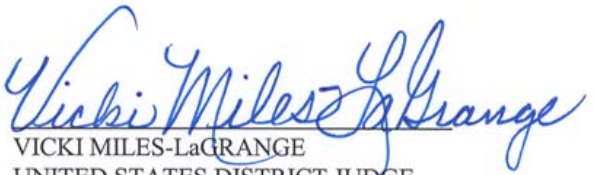
Defendant moves the Court to suppress the recordings made by the pole cameras utilized in this case and any information later obtained as a result of those recordings. Defendant asserts that he had a reasonable expectation of privacy at the locations where law enforcement had placed pole cameras, and he, therefore, suffered a violation of his Fourth Amendment rights. In its response, the government states that the pole cameras utilized in this case captured images of the exteriors of the buildings, the parking lot or driveways and vehicle tags if the vehicles were driving or parked in positions seen by the cameras. The government further states that the cameras, which recorded twenty-four hours a day, were only monitored while agents were in the wire room listening to intercepted phone calls, and all videos taken by the pole cameras were silent videos.

The Fourth Amendment is not implicated by video surveillance obtained from cameras posted outside private property, where they observe no more than what any passerby would easily be able to observe. *See United States v. Jackson*, 213 F.3d 1269, 1280-81 (10th Cir. 2000), *judgment vacated on other grounds*, *Jackson v. United States*, 531 U.S. 1033 (2000). Having reviewed the

parties' submissions, the Court finds that defendant's Fourth Amendment rights were not violated by the use of the pole cameras in this case. Specifically, the Court finds that defendant had no reasonable expectation of privacy that was intruded upon by the pole cameras.

Accordingly, the Court DENIES defendant's Motion to Suppress Pole Camera [docket no. 153].

IT IS SO ORDERED this 10th day of January, 2017.



VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE